



August 20, 2013

Mr. Jake Schmidt
Special Assistant United States Attorney
U.S. Securities and Exchange Commission
175 W. Jackson Blvd., Suite 900
Chicago, Illinois 60604

Ms. SA Victoria G. Madtson
Federal Bureau of Investigation
8825 Nelson B. Klein Parkway
Indianapolis, IN 46250

Delivered Via: Email

Dear Mr. Schmidt and Ms. Madtson:

This letter is the follow-up to the telephone conversation we had on August 12, 2013. In that call you identified Kolmar Americas, Inc. ("Kolmar") as only a witness in your investigation of e-biofuels, LLC ("e-biofuels"). From that call you asked us to answer a few additional questions. This letter provides information relating to those questions that we derived from the data in our contracts and operations files. The format below shows the question raised along with the answer.

When did the relationship with Fusion Renewables, LLC begin?

Kolmar and Fusion Renewables, LLC ("Fusion") began with a contract formed for the sale and purchase of TME B100 (Kolmar purchasing from Fusion) in early 2011. The date first contract was concluded was January 7, 2011 and Kolmar's confirmation document was dated January 10, 2011.

Did Kolmar only purchase B100?

Throughout the term of the two contracts between Kolmar and Fusion (the 2nd was consummated in March 2011), Kolmar only purchased TME B100.

Where did Fusion deliver the B100 for Kolmar?

All of Kolmar's product under the two contracts was delivered by Fusion to Vopak Terminal Deer Park, located in Deer Park, Texas.



Which tanks at Vopak held Kolmar's product?

The tank numbers were 776 and 921.

What were the forms of communications between Kolmar and Fusion, and Kolmar and e-biofuels?

All communication between Kolmar and Fusion and Kolmar and e-biofuels were conducted by email and telephone.

Did Kolmar communicate directly with personnel at ebiofuels?

Yes, Kolmar communicated directly at times with personnel at ebiofuels. The Kolmar employees involved in most communications with e-biofuels were operations personnel, and all such communications related to operational matters. In one instance, other Kolmar personnel participated in a conference call regarding a tax matter.

With whom did Kolmar conduct communications at e-biofuels?

There are four individuals at e-biofuels with whom Kolmar personnel communicated. These are:

- Chris Ducey
- Craig Ducey
- Ryann Flynn
- Marie Nunly
- B. Carmichael (although this person is unknown to Kolmar; he or she was included as a copyholder on several emails.

Who at Kolmar communicated with personnel at e-biofuels?

For operational matters, Ms. Jennifer McAllen and Ms. Stef Horowitz communicated with personnel at e-biofuels. On commercial matters, Ms. Orly Sandelowsky and Mr. Dave Astrauckas communicated with personnel at e-biofuels.

Did e-biofuels communicate directly with Kolmar's bank?

Kolmar's bank sent confirmations to release Kolmar's product held in e-biofuels' tanks directly to personnel at ebiofuels and provided a copy to Kolmar.

From whom did Kolmar receive COAs regarding the quality of its product?

Kolmar received COAs directly from Fusion Renewables.



What representations were made by Fusion to Kolmar regarding the quantity, quality, and storage of Kolmar's product?

Under the contracts between Kolmar and Fusion, Fusion represented the following:

- that it had the requisite authority to enter into the contracts with Kolmar;
- that their obligations thereunder were legally valid and enforceable;
- that the product had good and clean title at the time of title transfer;
- that the product would meet the specifications under the contracts;
- that RINs transferred thereunder were properly generated and valid pursuant to RFS2;
- that it had good and marketable title to the RINs transferred;
- that the RINs transferred thereunder had not previously been transferred to another party;
- that no action had been taken, or omission been made that would prohibit or limit Kolmar's use of the RINs transferred thereunder.

Under the contracts, Fusion also agreed:

- that they would issue holding certificates to Kolmar's designated bank;
- that they would not release any product without the express written consent of Kolmar's designated bank;
- that they would provide certificates of quantity for the product sold; and,
- that they would provide certificates of quality for the product sold.

What volume was held in tanks for Kolmar?

Referring to the two tanks identified above, the quantity of product delivered to Vopak varied throughout the term of the two contracts. As such, there is no exact answer to how much product was in inventory for Kolmar during any time period. Referring to the tanks at e-biofuels that held Kolmar's product, the answer is the same.

I hope this information is helpful to you in your investigation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul F. Teta", with a stylized, flowing script.

Paul F. Teta

Vice President and General Counsel

Kolmar Americas, Inc.